



CASE CO/2-22210/US/A

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

ANDREA DeCecchiis  
Type or print name

Andrea DeCecchiis  
Signature

9/16/03  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Group Art Unit: 1711

JEAN-PIERRE WOLF ET AL

Examiner: S. Berman

APPLICATION NO: 09/871,373

FILED: MAY 31, 2001

FOR: ORGANOMETALLIC

MONOACYLALKYLPHOSPHINES

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

Sir:

I, Tyler Stevenson, represent that I am the agent of record for this invention.

Ciba Specialty Chemicals Corporation, is the owner of the entire interest in the above-identified application by virtue of an assignment which was recorded on July 20, 2001 in the United States Patent and Trademark Office on at Reel 012034/Frame 0793.

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any

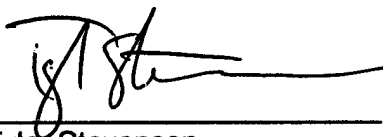
statutory disclaimer, of prior Patent No. 6,399,805. The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

U.S. Patent No. 6,399,805 is also entirely assigned to Ciba Specialty Chemicals Corporation by virtue of which was recorded in the United States Patent and Trademark Office on January 23, 2002 at Reel 012531/Frame 0327.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any statutory disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Signed at Tarrytown, New York, this 16<sup>th</sup> day of September, 2003.

By:

  
Tyler Stevenson  
Registration No. 46,388  
Agent of Record

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LETTER

Sir:

Enclosed herewith is a Terminal Disclaimer in the above identified application.

The Commissioner is hereby authorized to charge the \$110.00 fee and any additional fees that may be required to Deposit Account No. 03-1935. Two additional copies of this letter are enclosed for charging purposes.

Respectfully submitted,

Tyler A. Stevenson  
Agent for Applicants  
Reg. No. 46,388

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